



House of Representatives

General Assembly

File No. 276

February Session, 2000

Substitute House Bill No. 5798

House of Representatives, March 28, 2000

The Committee on Transportation reported through REP. COCCO of the 127th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Railroad Trespass Prevention.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) As used in this section:

2 (1) "Passenger" means any person who (A) is traveling by train with
3 lawful authority, and (B) does not participate in the operation of such
4 train, but does not include stowaways;

5 (2) "Railroad" means any form of nonhighway ground
6 transportation that runs on rails or electromagnetic guideways,
7 including (A) commuter or other short-haul railroad passenger service
8 in a metropolitan or suburban area, and (B) high speed ground
9 transportation systems that connect metropolitan areas. "Railroad"
10 does not include rapid transit operations in an urban area that are not
11 connected to the general railroad systems of transportation;

12 (3) "Railroad carrier" means any individual, firm, copartnership,

13 corporation, limited liability company, company or association that
14 provides railroad transportation;

15 (4) "Railroad property" means all tangible property owned, leased
16 or operated by a railroad carrier, including a right-of-way, track,
17 bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse,
18 terminal or any other structure, appurtenance or equipment owned,
19 leased or used in the operation of any railroad carrier, including a
20 train, locomotive, engine, railroad car or safety device, or work
21 equipment or rolling stock. "Railroad property" does not include a
22 railroad carrier's administrative building or offices, office equipment
23 or intangible property, such as computer software or other
24 information;

25 (5) "Right-of-way" means the track or roadbed owned, leased or
26 operated by a railroad carrier that is located on either side of its tracks
27 and readily recognizable to a reasonable person as being railroad
28 property or reasonably identifiable as such by fencing or appropriate
29 signs; and

30 (6) "Yard" means a system of parallel tracks, crossovers and
31 switches in which railroad cars are switched and made up into trains,
32 and in which railroad cars, locomotives and other rolling stock are
33 kept when not in use or awaiting repairs.

34 (b) Any person who, without lawful authority or the consent of a
35 railroad carrier, knowingly enters or remains upon railroad property
36 by any act, including, but not limited to: (1) Standing, sitting, resting,
37 walking, jogging, running, driving or operating a recreational or
38 nonrecreational vehicle, including, but not limited to, a bicycle,
39 motorcycle, snowmobile, car or truck; or (2) engaging in recreational
40 activity, including, but not limited to, bicycling, hiking, fishing,
41 camping, cross-country skiing or hunting, except for the purpose of
42 crossing such property at a public highway or other authorized
43 crossing, shall be guilty of a misdemeanor and shall be fined not more

44 than two hundred fifty dollars, imprisoned not more than three
45 months, or both.

46 (c) Any person who, without lawful authority or the consent of the
47 railroad carrier, rides on the outside of a train or inside a passenger
48 car, locomotive or freight car, including a box car, flatbed or container,
49 shall be guilty of a class B misdemeanor and shall be fined not more
50 than one thousand dollars, imprisoned not more than six months, or
51 both.

52 (d) This section does not apply to:

53 (1) Passengers;

54 (2) Employees of a railroad carrier, while engaged in the
55 performance of their official duties;

56 (3) Police officers, firefighters, peace officers or emergency response
57 personnel, while engaged in the performance of their official duties;

58 (4) Any person entering upon railroad property in an emergency
59 situation to (A) rescue a person or animal, such as livestock, pets or
60 wildlife, from harm's way, or (B) remove an object that the person
61 reasonably believes to pose an imminent threat to life or limb;

62 (5) Any person on the station grounds or in the depot of a railroad
63 carrier as a passenger or for the purpose of transacting lawful business;

64 (6) Any person, or the family member, invitee, employee or
65 independent contractor of such person, who enters upon a railroad's
66 right-of-way for the purpose of crossing at a private crossing site
67 approved by the railroad carrier to obtain access to land owned, leased
68 or operated by such person;

69 (7) Any person with written permission from the railroad carrier to
70 enter upon the railroad property in question;

71 (8) A representative of the Department of Transportation, while
72 engaged in the performance of official duties;

73 (9) A representative of the Federal Railroad Administration, while
74 engaged in the performance of official duties;

75 (10) A representative of the National Transportation Safety Board,
76 while engaged in the performance of official duties.

Statement of Legislative Commissioners:

In subdivision (4) of subsection (a) and in subsection (b), minor errors in punctuation were corrected.

TRA Committee Vote: Yea 21 Nay 3 JFS-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Minimal Cost, Potential Minimal Revenue Gain

Affected Agencies: Various Criminal Justice Agencies, Department of Transportation

Municipal Impact: None

Explanation**State Impact:**

This bill could result in a minimal cost to the state by increasing penalties for various railroad trespassing offenses from infractions to misdemeanors. The bill specifies that a person who illegally enters or remains upon railroad property will be subject to a fine of not more than \$250 and imprisonment of not more than 3 months. The bill also specifies that unauthorized persons found riding on the outside or inside of a train will be subject to a penalty of a fine of not more than \$1000 and up to 6 months in prison. Under current law, a person found trespassing on railroad property or riding on a train without authorization would be charged with simple trespass, which is an infraction. It is anticipated that any costs related to increasing the penalties for railroad trespassing can be absorbed within existing budgetary and caseload structures of criminal justice agencies. It is also anticipated that any revenue gain collected from criminal fines

will be minimal.

In 1999, according to Judicial Department records, there were 6,115 offenses for all types of simple trespass (not just those related to railroads) and approximately \$259,000 was collected in revenue from infractions. Although simple trespass is an infraction, Department of Correction records indicate that, on any given day in 1999, approximately 3 people were incarcerated for this offense.

Last year, Connecticut experienced 12 rail-related trespasser fatalities. Moreover, with the advent of Amtrak's new high-speed rail and electrification of trains along the northeast corridor, passenger service throughout the shoreline will experience an increase in speed and frequency. The new state-of-the-art electric trains will be quieter than in the past further adding to the danger of those who trespass on railroad property.

OLR Bill Analysis

sHB 5798

AN ACT CONCERNING RAILROAD TRESPASS PREVENTION.**SUMMARY:**

This bill (1) increases the penalty for trespassing on the property of a railroad carrier from an infraction to a misdemeanor and (2) makes it a Class B misdemeanor to ride on the outside of a train or inside a rail car without legal authority or the consent of the rail carrier. Passengers and certain others are exempt from the prohibitions.

Currently, it is considered simple trespass when someone enters any premises knowing he is not licensed or privileged to do so and has no intent to harm any property. Someone committing this infraction must pay a fine, fees, and other charges totaling \$77.

Class B misdemeanors can result in fines of up to \$1,000, imprisonment for up to six months, or both.

EFFECTIVE DATE: October 1, 2000

FURTHER EXPLANATION***Trespassing on Railroad Property***

Under the bill, anyone who knowingly enters and remains on railroad property without lawful authority or the carrier's permission is guilty of a misdemeanor, punishable by a fine of up to \$250, imprisonment for up to three months, or both. The prohibition applies to any such act, but the bill specifically includes (1) standing, sitting, resting, walking, jogging, running, driving or operating a recreational or nonrecreational vehicle and (2) engaging in a recreational activity such as bicycling, hiking, fishing, camping, skiing, or hunting, except when crossing the railroad property at a public highway or other authorized crossing.

The bill includes most types of tangible property owned, leased, or operated by a railroad carrier, including a right-of-way, track, shop, building, trestle or other structure, tunnel, and any type of equipment or rolling stock, but it excludes administrative buildings or offices, office equipment, and intangible property such as computer software.

The bill defines a railroad as any form of nonhighway ground transportation running on rails or electromagnetic guideways, including commuter or short-haul passenger service in a metropolitan or suburban area and high speed ground transportation that connects metropolitan areas. It excludes rapid transit operations in an urban area that are not connected to the general railroad transportation system.

Exceptions

The bill's prohibitions do not apply to (1) passengers (people lawfully traveling by train and not participating in its operation, but not stowaways); (2) a carrier's employees while performing their duties; (3) police, firefighters, peace officers, and other emergency response personnel performing their duties; (4) someone entering rail property in an emergency situation to rescue a person or animal or remove an object that he reasonably believes poses an imminent threat to life or limb; (5) anyone on the station grounds or in the depot as a passenger or for lawful business; (6) someone, his family or invitee, employee, or contractor entering the right-of-way to cross at a private crossing site approved by the railroad in order to obtain access to land he owns, leases, or operates; (7) anyone who has the railroad's written permission; and (8) a representative of the Department of Transportation, Federal Railroad Administration, or National Transportation Safety Board engaged in official duties.

BACKGROUND

Related Bill

sHB 5733, An Act Concerning Vandalism on Railroad Property, defines certain acts as vandalism of railroad property and designates graduated criminal penalties for them based on the amount of

property damage or severity of injury that results.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Report

Yea 21 Nay 3